

Supreme Court of the
United States

October Term, 2004

HEARING LIST

For the Session Beginning
October 4, 2004

**THE JUSTICES AND THE JUDICIAL CIRCUITS
TO WHICH THEY ARE ASSIGNED**

HON. WILLIAM H. REHNQUIST, Chief Justice, Fourth,
District of Columbia and Federal Circuits.

HON. JOHN PAUL STEVENS, Associate Justice, Sixth
and Seventh Circuits.

HON. SANDRA DAY O'CONNOR, Associate Justice, Ninth
Circuit.

HON. ANTONIN SCALIA, Associate Justice, Fifth Circuit.

HON. ANTHONY M. KENNEDY, Associate Justice, Elev-
enth Circuit.

HON. DAVID H. SOUTER, Associate Justice, First and
Third Circuits.

HON. CLARENCE THOMAS, Associate Justice, Eighth
Circuit.

HON. RUTH BADER GINSBURG, Associate Justice, Sec-
ond Circuit.

HON. STEPHEN BREYER, Associate Justice, Tenth
Circuit.

OFFICERS OF THE COURT

WILLIAM K. SUTER, Clerk.

FRANK D. WAGNER, Reporter of Decisions.

PAMELA TALKIN, Marshal.

JUDITH A. GASKELL, Librarian.

NOTICE TO COUNSEL

1. The Clerk timely informs counsel as to the day counsel must be present for oral argument. The Court convenes at 10 a.m. and each case is usually heard on the date assigned.

2. Counsel scheduled to argue must report to the Lawyers' Lounge between 9:00 and 9:15 a.m. on the day assigned for argument. The Clerk will brief you at that time and provide assistance. Identification cards will be issued to the attorneys authorized to occupy seats at argument tables. Counsel arguing cases *should not* introduce themselves nor introduce co-counsel to the Court at the time of argument. Members of the Court should be addressed by their proper titles—"Chief Justice" or "Justice," as the case may be—and not as "judge."

3. Counsel are expected to take note of time limitations and inquiry should not be made of the Court as to the amount of time remaining. A white light will appear when five minutes remain and a red light when the time has expired. When the Court permits a division of time for argument, the use of more than the agreed time by one attorney does not extend the total time allotted. Counsel should conclude argument promptly when the red light appears unless responding to a question from the Court.

4. During argument counsel should at all times speak into the microphone so that the Justices may hear them and that a clear tape recording can be made. Counsel should also avoid having notes or books touch the microphone since this seriously interferes with the recording process.

5. Counsel in cases to be argued in the afternoon should assemble at the Clerk's desk in the Courtroom when the noon recess begins. An escort will arrange expedited service in the public cafeteria located in the Court building.

6. Appropriate attire for counsel is conservative business dress. If formal attire is worn, it should conform with custom.

WILLIAM K. SUTER, *Clerk.*

HEARING LIST

Monday, October 4, 2004

No. 105, Orig. *Kansas v. Colorado*.

On exceptions to the report of the Special Master.

For plaintiff: John B. Draper, Special Assistant Attorney General, Santa Fe, N. Mex.

For Colorado: David W. Robbins, Denver, Colo.

For United States: James A. Feldman, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(1 hour for argument.)

No. 03–407. *John F. Kowalski, Judge, 26th Judicial Circuit Court of Michigan, et al. v. John C. Tesmer, et al.*

Certiorari to the C. A. 6th Circuit.

For petitioners: Thomas L. Casey, Solicitor General, Lansing, Mich.

For respondents: David A. Moran, Detroit, Mich.

(1 hour for argument.)

No. 04–104. *United States v. Freddie J. Booker*; and

No. 04–105. *United States v. Duncan Fanfan*.

Certiorari to the C. A. 7th Circuit; and certiorari to the C. A. 1st Circuit.

For petitioners: Paul D. Clement, Acting Solicitor General, Department of Justice, Washington, D. C.

For respondent Booker: T. Christopher Kelly, Madison, Wis.

For respondent Fanfan: Rosemary Scapicchio, Boston, Mass.

(Consolidated—2 hours for argument.)

Tuesday, October 5, 2004

No. 03–409. *KP Permanent Make-Up, Inc. v. Lasting Impression, Inc., et al.*

Certiorari to the C. A. 9th Circuit.

For petitioners: Michael Machat, Beverly Hills, Calif.; and Patricia A. Millett, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

For respondents: Beth S. Brinkmann, Washington, D. C.

(1 hour for argument.)

No. 03–377. *Koons Buick Pontiac GMC, Inc. v. Bradley Nigh.*

Certiorari to the C. A. 4th Circuit.

For petitioner: Donald B. Ayer, Washington, D. C.

For respondent: A. Hugo Blankingship, III, Alexandria, Va.

(1 hour for argument.)

Wednesday, October 6, 2004

No. 02–1028. *Norfolk Southern Railway Company v. James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Limited.*

Certiorari to the C. A. for 11th Circuit.

For petitioner: Carter G. Phillips, Washington, D. C.;
and Thomas G. Hungar, Deputy Solicitor General,
Department of Justice, Washington, D. C. (for United
States, as *amicus curiae*.)

For respondents: David C. Frederick, Washington, D. C.

(1 hour for argument.)

No. 02–1192. *Cooper Industries, Inc. v. Aviall Services, Inc.*

Certiorari to the C. A. 5th Circuit.

For petitioner: William B. Reynolds, Washington, D. C.;
and Jeffrey P. Minear, Assistant to the Solicitor General,
Department of Justice, Washington, D. C. (for
United States, as *amicus curiae*.)

For respondent: Richard O. Faulk, Houston, Tex.

(1 hour for argument.)

Monday, October 11, 2004

Legal Holiday

Tuesday, October 12, 2004

No. 03–583. *Josue Leocal v. John D. Ashcroft, Attorney General, et al.*

Certiorari to the C. A. 11th Circuit.

For petitioner: Joseph S. Sollers, III, Washington, D. C.

For respondents: Dan Himmelfarb, Assistant to the Solicitor General,
Department of Justice, Washington, D. C.

(1 hour for argument.)

No. 03–674. *Keyse G. Jama v. Immigration and Naturalization Service.*

Certiorari to the C. A. 8th Circuit.

For petitioner: Jeffrey Keyes, Minneapolis, Minn.

For respondent: Malcolm L. Stewart, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(1 hour for argument.)

Wednesday, October 13, 2004

No. 03–633. *Donald P. Roper, Superintendent, Potosi Correctional Center v. Christopher Simmons.*

Certiorari to the Supreme Court of Missouri.

For petitioner: James R. Layton, State Solicitor, Jefferson City, Mo.

For respondent: Seth P. Waxman, Washington, D. C.

(1 hour for argument.)

No. 03–878. *A. Neil Clark, Field Office Director, Seattle, Washington, Immigration and Customs Enforcement, et al. v. Sergio Suarez Martinez; and*

No. 03–7434. *Daniel Benitez v. Michael Rozos, Field Office Director, Miami, Florida, Immigration and Customs Enforcement.*

Certiorari to the C. A. 9th Circuit; and certiorari to the C. A. 11th Circuit.

For Martinez: Christine S. Dahl, Assistant Federal Defender, Portland, Ore.

For Benitez: John S. Mills, Jacksonville, Fla.

For United States: Edwin S. Kneedler, Deputy Solicitor General, Department of Justice, Washington, D. C.

(Consolidated—1 hour for argument.)
